IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Defective Criminal Misc. Main Petition No. 1 of 2006

Salamat Ali S/o Mohammad Ali
R/o Village Dhaulpuri
P.S. Bhagatpur
District Moradabad (U.P.) ... Petitioner

Vs

State of Uttar Pradesh at present
State of Uttaranchal ... Respondent

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed for seeking a relief that the order dated 22.06.2006 passed by this Court in Criminal Revision No. 534 of 2001 Salamat Ali Vs State of Uttar Pradesh, District Nainital be recalled.

2. None has appeared on behalf of the petitioner when the list has been revised. I have gone through the order dated 22.06.2006 passed by this Court and heard learned A.G.A. for the State.

3. The impugned order dated 22.06.2006 passed by me, clearly shows that none has appeared on behalf of the revisionist at that time and I perused the record as well as heard learned A.G.A., thereafter decided the revision on merits.

4. The revision was preferred against the judgment and order dated 19.07.1994 passed by Additional District Judge, Nainital in Criminal Appeal No. 164 of 1987 dismissing the appeal and confirming the judgment and order dated 02.12.1987 passed by Special Judicial Magistrate, Kashipur in

Criminal Case No. 1537 of 1987 by which the revisionist was convicted under Section 7/16 Prevention of Food Adulteration Act and sentenced to undergo one year rigorous imprisonment and a fine of Rs. 2000/- and in default of payment of fine to further undergo six month rigorous imprisonment.

5. After careful consideration of the record, I came to the conclusion that the revision was liable to be dismissed and the judgments and orders passed by the court concerned convicting the sentencing the revisionist were confirmed.

6. There is no provision in the Cr.P.C. to review/recall the judgment and order passed by the Court on earlier occasion.

7. I also do not find any ground in this petition to recall my earlier order dated 22.06.2006.

8. There is no ground to entertain the review petition at this stage and the petition is accordingly dismissed.

(B.C. Kandpal, J.)

04.11.2006
ASWAL